

# SENATE . . . . . No. 94

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Mark C. Montigny***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to ensuring the well being of all children in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>

# SENATE . . . . . No. 94

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 94) of Mark C. Montigny, Sal N. DiDomenico, Jason M. Lewis, Daniel A. Wolf and other members of the General Court for legislation to ensure the well being of all children in the commonwealth. Children, Families and Persons with Disabilities.

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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An Act relative to ensuring the well being of all children in the commonwealth.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 2 of Chapter 15D of the General Laws is hereby amended by  
2 adding the following subsection:-

3           (v) The department shall end Homeless Child Care Services no sooner than six months  
4 after the applicant family is no longer homeless or when department of housing and community  
5 development or department of children and families determines that child care services are no  
6 longer appropriate.

7           SECTION 2. Chapter 15 of the General Laws is hereby amended by inserting at the end  
8 the following section:-

9           Section 67. The department of elementary and secondary education, in collaboration  
10 with the department of early education and care, shall make every effort to increase participation  
11 in the Child and Adult Care Food Program in early childhood care settings by reducing

administrative burdens, costs, and state regulations that create barriers for eligible child care centers and providers. Such efforts shall include, but need not be limited to, deliberate outreach to early education programs, including home-based day care providers and center-based programs, streamlining paperwork and administrative burdens, and facilitating bulk purchasing channels for programs and providers participating in Child and Adult Care Food Program.

SECTION 3. Chapter 118E of the General Laws is hereby amended by adding after Section 77 the following section:-

Section 78. At the time of initial application for, or renewal of, MassHealth coverage or any other single state application or renewal process described in section 7A of chapter 118E, the department shall provide the MassHealth applicant or recipient with the opportunity to complete a common application for MassHealth and for programs administered by the department of transitional assistance, including the federal Supplemental Nutrition Assistance Program, the Program for Emergency Aid to Elders, Disabled and Children pursuant to chapter 117A and the Program for Transitional Assistance to Families with Dependent Children pursuant to chapter 118. A MassHealth applicant or recipient who elects to apply for these benefits shall have his or her eligibility information and verifications used to initiate a simultaneous common application and that information shall be transmitted to the department of transitional assistance to initiate the application for benefits. The common application for benefits must be accepted with the voluntary consent of the MassHealth applicant or recipient and shall have no bearing on the MassHealth eligibility of the applicant or recipient. The department of transitional assistance shall promptly inform said applicant of the eligibility requirements and any additional verifications or obligations of the program or programs elected by the applicant.

SECTION 4.

(a) There shall be an access to healthcare task force for former foster youth to review the barriers of access to healthcare for youth who are aging out or have aged out of the care of the department of children and families. The task force shall report on its findings and make recommendations to the general court to encourage the coverage of healthcare for as many youth who have aged out of state care as possible.

(b) The task force shall consist of 8 members or their designees including: the secretary of health and human services, who shall serve as chair; the commissioner of the department of children and families; the commissioner of the department of transitional assistance; the commissioner of the department of housing and community development; the commissioner of the department of early education and care; the medical director of the office of Medicaid; and the co-chairs of the joint committee on children, families and persons with disabilities. A vacancy on the task force shall be filled in the manner in which the original appointment was made. Members of the task force shall receive no compensation for their services. The task force may request from all state agencies such information and assistance as the task force may require.

(c) The task force shall assess and report to the legislature on the number of youth who are eligible for healthcare benefits after aging out of the care of the department of children and families, in accordance with the Patient Protection and Affordable Care Act, Public Law 111-148. The task force shall review outreach efforts, the idea of a shared database to maximize outreach, the possibility of automatic enrollment prior to transitioning out of state care, and ways to ensure seamless enrollment practiced in other states. The task force shall also examine

56 quarterly the number of youth who have enrolled in Medicaid as part of this effort. Members of  
57 the task force shall post a notification on their websites regarding the availability of healthcare  
58 coverage to those who have aged out of care of the department of children and families. The task  
59 force shall create a plan to ensure universal enrollment for this population.

60 (d) The task force shall convene its first meeting on or before July 1, 2015 and shall meet  
61 at least quarterly. The task force shall submit an annual report to the legislature on or before July  
62 1 of each year with the clerks of the house of representatives and the senate who shall forward a  
63 copy of the report to the joint committee on children, families and persons with disabilities; the  
64 joint committee on health care financing; and the house and senate committees on ways and  
65 means.

66 SECTION 5. Subsection (A) of section 30 of Chapter 23B of the General Laws is hereby  
67 amended by adding the following clause:—

68 (f) Families seeking shelter under the Emergency Assistance Family Shelter and Services  
69 Program who meet the categorical and financial eligibility criteria as set out by the department of  
70 housing and community development shall be approved for shelter if they meet the general  
71 categorical and financial eligibility criteria for the program, including those families who are in  
72 or within 24 hours of being in a housing situation not meant for human habitation and where  
73 there is or would be a substantial health and safety risk to the family that is likely to result in  
74 significant harm should the family remain in or enter such housing situation.

75 SECTION 6. Section 9A of Chapter 118E of the General Laws is hereby amended by  
76 adding the following new subsection:—

(17) The executive office of health and human services shall provide coverage to eligible children and adolescents from birth to age 18 inclusive who meet the eligibility requirements of clause (c) of sub-section 2 of this section, and to pregnant women under section 10E, regardless of the availability of federal funding under Title XXI of the Social Security Act; provided however that the executive office shall seek to maximize federal financial participation in the program through the demonstration project under Title XIX of the Social Security Act, or under the authority of Title XXI, if funding is available.

Section 7. Section 2 of Chapter 18 of the General Laws is hereby amended by adding the following new subsections:-

(E) The department shall collaborate with the department of elementary and secondary education to identify families under 200% of the federal poverty level who are not in receipt of free school meals by virtue of receipt of federal Supplemental Nutrition Assistance Program benefits. The departments shall collaborate to provide said families written information about the availability of Supplemental Nutrition Assistance Program benefits as well as a simplified application form and information on the organizations available to provide application assistance.

(F) The department shall collaborate with the department of early education and care to identify families under 200% of the federal poverty level receiving income-eligible child care benefits and who are not in receipt of federal Supplemental Nutrition Assistance Program benefits. The departments shall collaborate to provide said families with written information about the availability of Supplemental Nutrition Assistance Program benefits as well as a

simplified application form and information on the organizations available to provide application assistance.

SECTION 8. Chapter 15 of the General Laws is hereby amended by inserting after section 66 the following new section:-

Section 67. The commissioner of the department of elementary and secondary education shall publish annually a report that shall include, but need not be limited to, the following: (i) rates of health conditions that might impact the ability of students to succeed in school and are established as frequent educationally relevant health disparities, including, but not limited to, deficits in vision, dental disease, malnutrition, and behavioral health disorders; (ii) rates of screening and referrals to treatment for each school in the commonwealth; and (iii) the capacity of each school to provide treatment for these conditions within the school.

The report shall be submitted in writing annually by September 1 to the chairs of the joint committee on education and to the chairs of the joint committee on children, families, and persons with disabilities and shall be made available on the department's public website.

Section 9. The second paragraph of section 1B of chapter 69 of the General Laws is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

The board shall further require all schools which draw their attendance from areas where 25% or more of the lunches served to students at the school in the second preceding year were served free or at a reduced price and which shall have on file a combined total of fifty or more free and reduced price meal applications as of October of the preceding school year to make

school breakfast programs available to children, and to operate such programs in accordance with the federal laws and regulations pertaining to school breakfast programs.

SECTION 10. Subsection A of section 30 of Chapter 23B of the General Laws is hereby amended by adding the following clause:-

(g) In placing families with at least one member under the age of 18 in a temporary emergency shelter, the department of housing and community development shall make every effort to assign that family to a dwelling not more than 20 miles from the location of the child's primary care physician or the child's school, unless the family requests otherwise. If shelter within 20 miles is not available, the department shall provide written explanation in the family's preferred language to the family the reason why a closer shelter is not being made available and transportation to and from scheduled medical appointments and school.

SECTION 11. Chapter 23B of the General Laws is hereby amended by adding after section 30 the following section:-

Section 31. The department shall create a working group to assess the need for and methods to provide nutritious and medically safe meals to homeless families temporarily housed in hotels and motels in all counties of the Commonwealth. The working group shall be chaired by the commissioner of the department of housing and community development or a designee. Membership of said working group shall include, but not be limited to, the department of transitional assistance, the department of children and families, the department of mental health, the department of public health, the department of elementary and secondary education, representatives from all regional food banks, representatives from organizations serving homeless families, civil legal aide, Community Servings, Project Bread, and a geographic



representation of hospitals providing services to medically complex children. The working group shall submit a report of its findings to the joint committee on housing and the joint committee on children, families and persons with disabilities no later than one year following the enactment of this section and shall report annually on progress toward providing nutritious meals to homeless families temporarily housed in hotels and motels.

SECTION 12. Chapter 118E of the General Laws is hereby amended by adding the following new section:-

Section 78. Notwithstanding the availability of federal reimbursement, MassHealth shall provide transportation to and from all MassHealth covered services for any member who is under the age of 19 and residing in temporary emergency shelter including hotels and motels.

SECTION 13. Chapter 18 of the General Laws is hereby amended by inserting after Section 2B the following new sections:-

Section 2C. Notwithstanding any general or special law to the contrary, the department shall not terminate or suspend the Supplemental Nutrition Assistance Program or cash assistance benefits of any recipient until the department has made a determination of ineligibility based on a review of the case record; provided the department has requested eligibility documentation from the recipient including the eligibility review or recertification form, the recipient has provided such documentation on or before the date the department stated in writing that such documentation was to be submitted, and the department has acknowledged receipt of the documentation. The department shall make said eligibility reviews or re-certifications in accordance with federal and state timeliness processing requirements.

162            Provided further, the department shall not deny an application for said benefits until the  
163    department has reviewed all eligibility information and documents submitted by the applicant to  
164    the department on or before the date the department stated in writing such documentation was to  
165    be submitted; provided further, the department shall not refuse to accept an application or  
166    eligibility documents hand-delivered to local department offices and shall further designate local  
167    office staff to accept, copy and date-stamp said documents without requiring an applicant or  
168    recipient to schedule an appointment or wait for an eligibility case manager to review said  
169    documents unless he or she elects to do so; provided further, the department may provide written  
170    information and a postage-paid envelope to said individual for mail or facsimile delivery of any  
171    additional documents to the department; provided further the department shall ensure that all  
172    documents are reviewed by eligibility workers in a timely manner. The commissioner shall  
173    promulgate regulations to ensure the proper implementation of this section.

174            Section 2D. The department, in collaboration with key stakeholders, shall establish  
175    statewide customer service standards and performance goals with regard to Supplemental  
176    Nutrition Assistance Program benefits administered by the department. The department shall  
177    revise the standards and goals to reflect changes in to Supplemental Nutrition Assistance  
178    Program performance over time and shall measure the progress made toward the execution of the  
179    standards and goals on an annual basis and shall make the standards and goals publicly available  
180    for the purpose of informing the General Court and the public. When developing the customer  
181    service standards and performance goals, the department and key stakeholders shall take into  
182    consideration what is achievable under current administrative funding and, if applicable, the cost  
183    impact of improved program efficiency and the need for additional resource investment. The

department shall, when appropriate, use the data made available to measure the progress made toward achieving the established standards and goals.

Section 2E. The department shall, in collaboration with key stakeholders, develop a dynamic data management tool that presents state and local benefits caseload data showing change, activity, or progress over time, and the data can be extracted for further analysis. If feasible and appropriate, the department may expand upon existing technology for this purpose. The data management tool shall include data presented on a statewide and zip code basis to be derived by the department from MassHealth and any other appropriate information management systems. The data management tool shall include, but not be limited to, all of the following:

(a) Data regarding multi-program enrollment, which may include, but is not limited to, dual eligibility and dual participation among Supplemental Nutrition Assistance Program, cash assistance and MassHealth recipients.

(b) Data regarding Supplemental Nutrition Assistance Program applications received through multiple channels, including, but not limited to, which may include in-person, by mail, by facsimile and online.

(c) Data regarding Supplemental Nutrition Assistance Program application and recertification outcomes, which shall include, but is not limited to, disposition, reasons for denial or termination of benefits and processing times.

(d) Data regarding Supplemental Nutrition Assistance Program reapplication, which may include, but is not limited to, rate of return or reapplication within 30, 60, and 90 days.

204 (e) Data from the data management tool shall be made publicly available on an ongoing  
205 basis and updated at least on a quarterly basis within 30 days following the end of each quarter,  
206 for the purpose of informing the General Court and the public about Supplemental Nutrition  
207 Assistance Program and cash enrollment, benefit retention, customer service, and performance.

208 The department shall, in collaboration with key stakeholders, identify necessary revisions  
209 to the data management tool to fulfill the standards and goals established pursuant to this section  
210 of the General Laws.